

**MINUTES OF A REGULAR MEETING
OF THE
BOARD OF TRUSTEES
OF THE
TOWN OF BUENA VISTA, COLORADO
JUNE 8, 2010**

WORK SESSION

A Work Session of the Board of Trustees convened at 6:02 PM on Tuesday, June 8, 2010, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado. Present were Mayor Joel Benson, Trustees Keith Baker, Duff Lacy, Norm Nyberg, Robert Flint, Carrie Carey, Town Administrator Sue Boyd and Town Clerk Diane Spomer. Trustee Steinauer was absent. Also present were representatives from Aviation Travis Vallin, Bill Pool and Tim Rhodes and John Sweeney with CDOT Aeronautics. Sue Boyd led the discussion by noting the general state of aviation was presented to the Airport Commission recently and the work session was set for policy decisions to move forward.

Travis Vallin gave a brief background about general aviation today that it is down double digits for fuel sales; nationwide we are down 50% which makes it very difficult for small airports and is 60%-70% down in sales for general aircraft.

AIRPORT LAYOUT PLAN CONSIDERATIONS: The capital improvement plan is due to CDOT the end of June and unveiling an amended operating budget for 2010; ALP was updated in 2009 by the Trustees but needs updating again; options for the future were outlined; there are possibilities for expansion of hangars and other development without large land acquisition costs, developing a hub for safety connections; George Mandes is interested in discussing the Town acquiring his hangar and building his own; snow storage area needs to be marked on the map and a storage area.

CAPITAL IMPROVEMENT PLAN: CDOT coordinates funding with FAA; the FAA entitlement is \$150,000 annually; each year one of the four airports gets \$600,000 for a major project and BV will get the \$600,000 in 2012; grants are available for up to \$250,000. Aviation located the following projects for Council consideration: terminal roof repair; hangar acquisitions and development; asphalt hangar development; relocate slurry storage; fuel truck replacement; tug purchase, fuel tank replacement; airport parking apron expansion. The Trustees need to figure out priorities, where they want to put funds from the FAA the State and local; the State needs ideas by July 9 for their consideration for funding.

Discussion followed on Aviation is available to help the Town see challenges they face with decisions for the future; projects need to be prioritized by year with a cost factor to be included in the CIP; asphalt will cost \$250,000 for hangar development; the Mandes hangar acquisition cost is \$400,000-\$450,000; ALP does not have a fixed deadline attached to it; cost estimates are needed for the future projects before a decision can be made. More formal decision making information will be brought back; the 2010 budget was provided for Council consideration at a later time. The work session concluded at 7:00 PM.

CALL TO ORDER

The Regular meeting of the Board of Trustees was called back to order at 7:05 PM on Tuesday, June 8 2010, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Joel Benson. Present were Trustees Carrie Carey, Norm Nyberg, Keith Baker, Robert Flint, Duff Lacy, Town Administrator Sue Boyd, Town Planner Shannon Haydin, Public Works Director Roy Gertson, Police Chief Jimmy Tidwell, Town Engineer Rachel Friedman and Town Clerk Diane Spomer. Trustee Steinauer was absent.

ROLL CALL

Town Clerk Spomer proceeded with the roll call and declared a quorum.

PLEDGE OF ALLEGIANCE

Mayor Benson led in the Pledge of Allegiance.

AGENDA ADOPTION

Motion #1 by Trustee Baker, seconded by Trustee Lacy, to adopt the agenda as presented. Motion carried.

CONSENT AGENDA

A. Minutes

1. Regular Meeting – May 25, 2010

B. Advisory Boards

1. Planning & Zoning Commission
2. Recreation Advisory Board
3. Trails Advisory Board

C. POLICE DEPARTMENT/CALL REPORT/MUNICIPAL COURT

- D. Should the Board approve adoption of Resolution #65, Series 2010, entitled "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AUTHORIZING EXECUTION OF A GRANT WITH THE STATE HISTORICAL FUND TO REHABILITATE THE WINDOWS OF TOWN HALL"?**

Mayor Benson noted that on page 14 "it" referred to the PUD Ordinance. Joel requested that in the future the minutes reflect actual amendments rather than a motion to approve with "stated amendments".

Motion #2 by Trustee Flint, seconded by Trustee Lacy, to approve the Consent Agenda as amended. Motion carried.

PUBLIC COMMENT

Comments were held to the actual agenda items were presented.

OLD BUSINESS

DISCUSSION OF THE S. MAIN RESTROOMS

Administrator Boyd stated the Development Agreement for S. Main had a provision that the Trustees would relook at the need for public restrooms and the timing for S. Main to perform their obligation on constructing the restrooms and there were a lot of comments that came in over the weekend during Paddle Fest about the lack of restrooms in the area.

Town Engineer Friedman met with Jed Selby in March and reviewed locations in S. Main for construction; Jed is intending to construct where the current horseshoe pit is located when the hotel is built since it will constrain the site if the restrooms are built first; other sites were reviewed (north of the Eddyline but it is not platted and is part of Phase II); the Rec Board would rather not wait for the hotel to be built and want construction before the end of 2010. We discussed composting toilets that do not take a lot of space and can be moved but are high maintenance and asked for direction from the Trustees.

Jed Selby, 901 S. Main Street, expressed that during the planning process everything gets drawn out for actual building even though it is built almost 20 years later; gave some history of infrastructure and development that has occurred to-date with 30 lots sold for Phase I; Phase II will include the round-about, the road in front of the Community Center and on Main Street; Phase III was to include construction of the public restrooms; water and sewer lines are not in place until Phase III; the Development Agreement says "...shall be constructed by 6/1/2009 subject to determination of the Board Of Trustees in it's discretion if that construction is appropriate at that time". This item has not been in their budgets, is not in the credit line and business is still difficult; debt is a reality and they need to maintain their debt at a lower level. Jed noted Salida has just now built their restrooms and has "made due" all this time; offered a fair compromise of stick with restrooms as being part of Phase III and tie restrooms to the building permit for the hotel that will be built.

Katie Urban, 1000 Swift Circle, added that her desire is for the restrooms and the hotel being built; noted difficulty in being a developer in the current economy and asked for a mutual agreement.

Discussion followed on Paddle Fest was a different special event issue; bringing in more port-o-potties for Paddle Fest; there is nothing in the Municipal Code to prohibit camping on private property; the Town will ultimately own the property when the restrooms are built; the original site was the lot north of the Eddyline but there is no infrastructure; can we handle having port-o-potties for Special Events for a while longer and revisit after the summer time; Jed and Katie are re-looking at opportunities like people may want to stay in a hotel room overlooking the river since they cannot qualify for financing a home; staff will review the Special Event permitting process; incorporate plans for a restroom when the hotel is built and in the interim keep port-o-potties at the River Park; Jed & Katie need a design that staff is happy with, funding and a building permit since it is platted already. Shannon Haydin noted that with the timing of the adoption of the Special Event ordinance Paddle Fest was not required to go through the process.

APPOINTMENT TO THE CHAFFEE HOUSING TRUST BOARD

Sue Boyd expressed at the last Board meeting the Trustees had indicated one individual was interested. Trustee Baker stated that as of this afternoon they are interested and qualified but are not ready yet and he will continue working with them on the Board position. Sue noted Chaffee Housing Trust also has an advisory Board and Shannon Haydin is interested in participating if the Trustees are agreeable; we have had discussions about affordable housing and there is more than one organization involved with affordable housing issues and asked for input from the Board.

Discussion followed on "what is affordable"; funding mechanisms are available for affordable housing; the Trustees were agreeable with Shannon being on the Board.

NEW BUSINESS

Should the Board approve adoption of Resolution #66, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AUTHORIZING AND APPROVING A LICENSE AGREEMENT FOR THE ALLOWANCE OF A ROOF EAVE OVER A STOOP ONTO TOWN PROPERTY ADJACENT TO 905 SOUTH MAIN STREET**"?

Town Planner Haydin noted this type of building element is allowed if the license agreement is approved; staff has received a few of these types of requests outside of S. Main such as one on S. Colorado needing an awning to make it look like a store front to get a tenant and asked for Trustee input on items being over a Town R.O.W.

Discussion followed on the sign code allows them; ReMax requested an awning over Town property and this has been done; setting standards if someone wants to put up an awning;

Motion #3 by Trustee Nyberg, seconded by Trustee Carey, to approve Resolution #66, Series 2010.
Motion carried.

Jed Selby noted virtually every building on Main Street encroaches the R.O.W., asked to empower staff to do them so it doesn't take up Board time. Katie added that it is stressful to the homeowners waiting for approval.

Should the Board approve adoption of Resolution #67, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AWARDED THE BID FROM STANLEY CONVERGENT SECURITY SOLUTIONS, INC. FOR THE PURCHASE OF SECURITY CAMERAS AND A CONTROLLED ACCESS KEY CARD SYSTEM FOR THE AIRPORT**"?

Town Administrator Boyd noted this was pending at the last meeting; Christine worked with the companies and this proposal seemed like a good option since they have local representatives to trouble shoot and seem responsive; this will allow them to install security cameras and access control system as a card reader system at the airport; some funds remain from previous grants that can be applied to this project and does not require a budget change but was not discussed when the budget was approved.

Discussion followed on the 4th Whereas Clause and the funds were remaining from another grant; the need to develop appropriate operating procedures on who will get cards; cards can be deactivated when someone is no longer using the card or it is lost; this is a capital expenditure for the equipment and software.

Motion #4 by Trustee Flint, seconded by Trustee Nyberg, to approve Resolution #67, Series 2010. Roll call vote: Carey-aye, Nyberg-aye, Flint-aye, Baker-aye, Lacy-aye. Motion carried.

Should the Board approve adoption of Resolution #68, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AMENDING THE TOWN OF BUENA VISTA FEE SCHEDULE**"?

Sue there are two primary changes: you approved the ordinance permitting marijuana operations and fees and application fees were not included in that. We propose a fee similar to liquor licenses And have done research on market rates for airport ground leases and recommend: reducing to \$.0165/SF and makes us competitive.

Discussion held on the lease with Jay Jones is \$.015/SF and why is \$.0165/SF acceptable right now- Jay's will go up to \$.165 if you calculate the terms of his lease; we only have one lease being paid to the Town currently and the rest go to Ron Southard since he has the ground lease; the SF fee is per year; the Airport Commission contemplated whether the Town should allow hangars to be built on dirt and felt that was a logical distinction; general consensus was to not change the fees for the ground lease; change the 4th Whereas Clause to add "marijuana" and "dispensaries" should be changed to "centers"; an annual renewal fee of \$100; every employee has to have a criminal background check with a flat rate and then so many per year if there is turn over; delete "includes up to 5 employee/owner checks in a calendar year"; delete 3rd Whereas Clause; delete airport language from 4th Whereas Clause.

Motion #5 by Trustee Lacy seconded by Trustee Flint, to approve Resolution #68, Series 2010, with a change of "dispensaries" to "centers", delete the 3rd Whereas Clause, delete the reduced ground lease fees for the airport, add "marijuana" to the 4th Whereas Clause and remove "includes up to 5 employee/owner checks in a calendar year". Motion carried.

STAFF REPORTS

TOWN ADMINISTRATOR

Administrator Boyd had the following items to cover:

- Page 96, today we received another draft for review for Colorado Center.
- Roy Gertson advised that staff contacted ACA about a warranty on settlement at the drain at the Pearl Theatre and ACA will replace it (site for the drinking fountain). Sue added that she and Roy have met with Alf about the design for the drinking fountain, the Board said go for it and that contract may be coming forth soon if we can work out the budget; Alf built a bicycle rack to go in front of CKS, he sent a memo and picture; this requires a license agreement and it was discussed with him. The rack was moved in front of Mothers.
- Today was the deadline for Civil Engineer proposals; we received 18 and put together a panel of staff to review them and asked if a Trustee was interested in reviewing the submittals before a recommendation is presented to the Board. Council was OK with staff reviewing them.
- A letter was placed on the table outlining the comments at the Public Hearing for vacating CR 302 we discussed at the last meeting; the Hearing was continued to today and I submitted the comments in writing; the Trustees decided to keep in place the existing Resolution approving the

vacation of CR 302, but it also directed County staff to negotiate a construction agreement with Mr. Moltz regarding concerns that surfaced and they can be addressed in that agreement. Mr. Moltz wants to work with the Town and Upper Ark on storage in that reservoir as well as with UAWCD.

- The Trustees recommended the road improvements go to P&Z and they feel Cedar St. should be at the top of the list and Cedar St. and all but two drainage projects be top projects for 2010/2011; P&Z concurred Gregg Dr is a high priority but due to expense it is hard to move quickly; the design work should be considered for funding when it becomes available.
- The Rocks & Ropes is not quite complete - paint & curb finish work is remaining.
- Had a conversation with a representative from Shell; they call this property an "orphan property" and have a desire to address issues; they gave ideas they encountered in other communities and we will have more information soon.
- We took a step to have the Advisory Boards do annual reports to be presented July 27.
- Trustee Baker asked if rumors surfaced again about shutting down the Rodeo Grounds. Sue noted there is recognition and the Rec. Board is recognizing projects as long-term (Rodeo Grounds and Rec Center); they discussed the difficulty in funding projects and the Rodeo Grounds brought out several short term projects also.
- The BOCC meeting was rescheduled as a public meeting for 6 PM June 22 which is our regular meeting night.
- We have gotten questions on how to resolve outstanding infrastructure issues on Sunset IV; we are proceeding to make sure all infrastructure that is ready to be accepted will be accepted and will narrow down issues that are outstanding.
- Trustee Nyberg asked about RVs and camping at the rodeo grounds and on other Town property if there is an ordinance. Sue noted the PD got calls also and were able to go to Town parcels and tell them what the code addresses. The River Park closes at 11PM. Discussion followed on the Rodeo Grounds and getting revenue; BLM charges \$22/day for a primitive site; having signage for rules and regulations; discuss at a work session.
- Trustee Lacy asked about the Gunsmoke Easement. Sue noted it is getting close and are negotiating compensation. True Value is scheduled to come before you at the next meeting and have a meeting with Chuck to review the draft agreement. Duff asked about best laid parcel ownership issues. Sue noted the "No Mans Land" by the High School/Marguard Nature Trail is on the "to do list" and is a legal task to be handled to see who it belongs to.
- Sue noted Jeff Parker was stopped due to a serious auto accident on the highway and turned around and went back to Denver.

AIRPORT MANAGEMENT

Administrator Boyd had the following items to cover:

- We are trying to prepare a continuation of the Airport Rules and Regulations; the Airport Commission feels it may be better to start over and reflect what the intent of the airport is and will look at some other airport examples; the Town adopted the ones in 1993 and were not repealed.
- The Airport Commission discussed whether hangar acquisition was the only possibility and discussed engaging private ownership.
- Air Petro/Conoco Phillips has lots of things to help airports market themselves and we have good feelings about how that might work. One entity contacted us about being a fuel supplier (British Petroleum) and we have not jumped too many hoops to pursue that one.
- We get contacts from military groups about coming in and are working through issues.
- Trustee Carey asked about the FBO position. Sue advised there were five FBO inquiries and four site visits; we placed an add in the G.A. news and AOPA publication to get word out there.
- Trustee Lacy asked about getting the ground lease proposal ready. Sue noted in our Work Session we will discuss what we are going to do about asphalt, which parcels will be there for them to build on. Duff suggested adopting codes by reference and stated we can adopt FAA regulations as our code and amend them as we want but cannot go "less than" what they are. Sue stated the Airport Commission discussed this also.
- The format was put together to get activity reports before you and we just had a partial month so some information may not be reliable, there may be some gaps.

TOWN TREASURER

- Trustee Baker stated the Mayor Russell was going to send a memo to departments about fiscal discipline on visa charges and shopping local and did not know if it happened. Sue stated it has not happened. Mayor Benson has it on his list.

PUBLIC WORKS

- Roy noted Cottonwood Creek had another peak (380 CFS at the High School); the Town lake almost overflowed Saturday night and feels we are on the decline; snow melt is 30% faster. Roy asked for input on the Railroad crossing project. Council felt it is better than it was.
- Trustee Lacy asked if we did anything with the Diesslin sidewalk arrangement. Sue spoke with Rachel the other day to keep the fire going. Roy noted the Depot is one site and the sidewalk at Forest Square Park.
- Trustee Benson asked about data on the dry up. Roy stated there is a discussion coming with the water consultants to discuss dry up and a plan to move forward. Sue added that John Cogswell knows we are working on it and we will bring him updates; the question is whether we need to continue the study or if the data we have now is sufficient. Roy stated the Div. of Water Resources will have to weigh in on this.

TOWN PLANNER

- Shannon Haydin asked for guidance on economic development and vacant buildings downtown; included a lengthy report in the packet on different strategies - P&Z feels adoption of the International Maintenance Code or some hybrid code will require people to maintain their buildings to rent them out like the Ben Franklin building maintenance that is needed to rent the building; staff needs direction before P&Z drafts language. Discussion followed on if there are any historic values to the buildings and if they meet code requirements; don't put historical restraints on buildings to make it difficult and constraining for owners; Shannon noted the Chaffee Heritage Board got a State Historic Grant to do an inventory of all the historic resources in the County, they need volunteers to do a survey, it is a great first step, they suggested tools available to us are doing a historical overlay zoning to protect resources. Discussion continued on the need for incentives to maintain the property; to maintain old buildings entails bringing them up to code; any new building heights downtown should not exceed what we have.
- Tony is getting a great response on the garbage and people are starting to complain about things now that they know who to contact; we have six new residential property permits. Trustee Nyberg asked about the 10 non-compliant individuals. Shannon noted Tony sent letters to them, one was way too much and will be getting a bill, the next step is a certified letter and then a summons is issued from the Police Department. Discussion held on the need to address abandoned houses.

TRUSTEE/STAFF INTERACTION

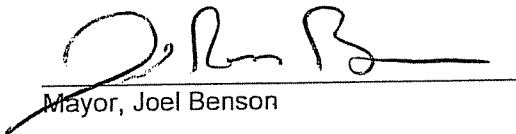
- Trustee Baker asked about Mr. Moltz's permit for the dam. Sue advised he has a decree in Water Court and they take time and he has to have the decree before we get the water. Keith asked about UAWCD discussions. Sue spoke with Cyndi Covell and it will be a conversation in the near future.
- Trustee Carey checked Jay Jones' address that he said he lived at and she could not find anything there; got assistance from the Building Department and if Jay was living on that property it is against the law to have the RV and car parked there without a main residence; expressed if the hangar gets finished he will put the RV in the hangar and living in it; the Building Inspector talks about the mess in the hangar and the fire hazard; provided pictures and a report from the Building Department and wanted Council to know about the issue. Trustee Lacy stated this is all the more reason to get the rules and regulations and to have them enforced. Sue added the Building Dept. feels it was built without a building permit and the rules & regs. are the tool we have been focusing on to manage the situation. Discussion held on other tenants at the airport and maintaining a standard of safety. Sue spoke with Jeff Parker and he has asked what do people want us to do-we need to get the rules and regs. in place for enforcement of problems. Jeff will look into enforcement of issues including fire safety.

- Roy Gertson provided a summary of the Town Clean Up weekend that was successful. Discussion held on \$510 was paid for one container and the County paid for the other; some individuals from Tony's list showed up.
- Trustee Lacy asked about the date of a work session. Sue referred to the gap of three weeks between meetings and asked about a day to schedule a "priority work session". A Tuesday or Wednesday was preferred by Council.

ADJOURNMENT

Motion #6 by Trustee Lacy, seconded by Trustee Nyberg, noting that there being no further business to come before the Board declared that the meeting be adjourned at 9:12 PM. Motion carried.

Respectfully submitted:



Mayor, Joel Benson



Town Clerk, Diane Spomer